

DOCKET NO. 756.01/MSFTP125US

2154  
Cf

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of

Applicant: **Federico Garcea et al.**  
Serial No.: **09/710,172**  
Filed: **November 10, 2000**  
For: **DISTRIBUTED DATA GATHERING AND AGGREGATION AGENT**  
Art Unit: **2154**  
Examiner: **Haresh N. Patel**

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

1. Pursuant to 37 C.F.R. 1.97 and 1.98, and in compliance with 37 C.F.R. 1.56, the Office's attention is directed to the patents, publications and other information listed on the attached PTO-1449. A copy of each listed document is enclosed except for: (a) pending applications or (b) those previously cited or submitted to the Office in the following application(s) upon which this application relies for an earlier filing date under 35 U.S.C. 120:

Serial No.: \_\_\_\_\_  
Filing Date: \_\_\_\_\_

Regarding any document, publication or other information for which a date is not given on the attached PTO-1449, Applicant(s) believe(s) the same may qualify as "prior" art to this application and should be treated accordingly, although Applicant(s) reserve(s) the right to contest the prior art status of any document, publication or information, should issue arise.

2. Regarding each listed document that is not in the English language, an English-language translation accompanies this Statement as indicated on the attached PTO-1449 or a concise explanation of the relevance of the document is set forth in the following document(s):

(a) \_\_\_ Copy of each English language version of a search report indicating the degree of relevance found by the foreign office of each document being submitted from the search report.

(b) \_\_\_ Attachment entitled "Concise Explanation of Relevance of Non-English Language Documents".

3. Pursuant to 37 C.F.R. 1.97(b) this Statement is being filed (one must be checked):

(a) \_\_\_ Within 3 months of the filing date or date of entry into the National Stage.

(b) \_\_\_ Before the mailing date of a first Office Action on the merits. If this Statement is not filed before the mailing date of a first Office Action on the merits, the required certification is given below or, in the absence thereof, the Office is authorized to charge the required fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 50-1063 for consideration of this Statement.

(c) X After the period set forth in 37 C.F.R. 1.97(b) but before the mailing date of either a final action or a notice of allowance.

(1) \_\_\_ The required certification is given below, or

(2) \_\_\_ Enclosed is a check covering the fee set forth in 37 C.F.R. 1.17(p) for consideration of this Statement, or

(3) \_\_\_ Charge the fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 50-1063.

(4) X This Statement was previously filed before the mailing date of a first Office Action on the merits. Enclosed is a copy of the return postcard received by the OIPE at the Patent & Trademark Office, stamped February 26, 2001. In addition, in a phone conversation with Examiner Hareesh Patel on November 1, 2004, this submission should not require any fees. Accordingly, no fee is believed to be due at this time.

(d) \_\_\_ After the mailing date of either a final action or a notice of allowance, but before payment of the issue fee. Petition hereby is made for consideration of this Statement and the required certification is indicated below.

(1) \_\_\_ Enclosed is a check covering the fee set forth in 37 C.F.R. 1.17(p)(1), or

(2) \_\_\_ Charge the fee set forth in 37 C.F.R. 1.17(p)(1) to Deposit Account No. 50-1063.

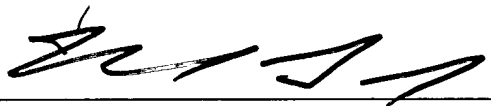
4. Certification (if applicable)

(a) \_\_\_ The undersigned hereby certifies that each item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than 3 months prior to the filing of this Statement.

(b) \_\_\_ The undersigned hereby certifies that no item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the undersigned's knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than 3 months prior to the filing of this Statement.

5. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1063.

Respectfully Submitted,

By   
Himanshu S. Amin  
Reg. No. 40,894

24<sup>TH</sup> Floor, National City Center  
1900 East 9<sup>th</sup> Street  
Cleveland, Ohio 44114  
(216) 696-8730

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

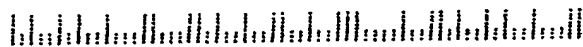
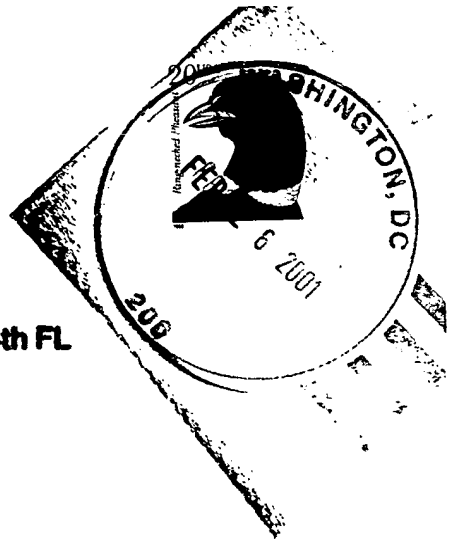
I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: 11-10-04

  
Himanshu S. Amin

**BEST AVAILABLE COPY**

**AMIN & TUROCY  
NATIONAL CITY CENTER, 24th FL  
1900 EAST 9th STREET  
CLEVELAND, OHIO 44114**



BEST AVAILABLE COPY

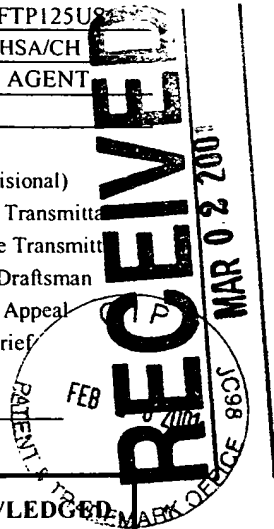
Applicant(s) Garcea, et al. Docket No. MS154756.1/MSFTP125U8  
Serial No. 09/710,172 Filing Date 11/10/00 Atty(s) HSA/CH  
Title DISTRIBUTED DATA GATHERING AND AGGREGATION AGENT  
Mailed 02/26/01 Due Date \_\_\_\_\_ Exp. Mail No. \_\_\_\_\_

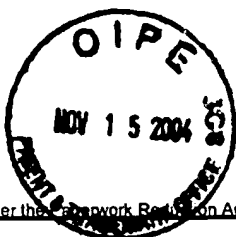
- ☐ Patent Application (☐ New ☐ CON ☐ DIV ☐ CIP ☐ CPA ☐ PCT ☐ Provisional)
- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Transmittal/Request                               | <input type="checkbox"/> Declaration/POA           | <input type="checkbox"/> Issue Fee Transmittal |
| ___ Pages of Specification   | <input type="checkbox"/> Assgn. & Cover Sheet      | <input type="checkbox"/> Main. Fee Transmittal |
| ___ Sheets of Drawings   | <input type="checkbox"/> Small Entity Statement    | <input type="checkbox"/> Ltr. Off. Draftsman   |
| <input type="checkbox"/> Formal <input type="checkbox"/> Informal          | <input checked="" type="checkbox"/> IDS/1449/Refs. | <input type="checkbox"/> Notice of Appeal      |
| ___ Pages of Abstract  | <input type="checkbox"/> Priority Documents        | <input type="checkbox"/> Appeal Brief          |
| <input type="checkbox"/> Express Mail Certificate                          | <input type="checkbox"/> Check \$ _____ \$ _____   |  |
| <input type="checkbox"/> Amendment/Response                                |  |  |
| <input type="checkbox"/> Transmittal <input type="checkbox"/> Ext. of Time |  |  |
| <input type="checkbox"/> Trademark/Service App.                            |  |  |
| <input type="checkbox"/> Specimens <input type="checkbox"/> St. of Use     |  |  |

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RECEIPT ACKNOWLEDGED

*DOCKETED*  
MAR 05 2001





PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Copyright Revision Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT  
BY APPLICANT**

(Use as many sheets as necessary)

Sheet

1

of

2

**Complete if Known**

Application Number	09/710,172
Filing Date	November 10, 2000
First Named Inventor	Federico Garcea
Art Unit	2154
Examiner Name	Haresh N. Patel
Attorney Docket Number	MS154756.01/MSFTP125US

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 5,483,468	01-09-1996	Chen, et al.	
		US- 5,581,482	12-03-1996	Wiedenman, et al.	
		US- 5,923,874	07-13-1999	Koenig	
		US- 5,966,706	10-12-1999	Biliris, et al.	
		US- 6,049,798	04-11-2000	Bishop, et al.	
		US- 2002/0069037	06-06-2002	Hendrickson et al.	
		US- 2003/0086536	05-08-2003	Salzberg et al.	
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

**FOREIGN PATENT DOCUMENTS**

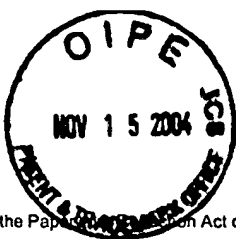
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/08b (08-03)

Approved for use through 06/30/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

2

of

2

**Complete if Known**

Application Number	09/710,172
Filing Date	November 10, 2000
First Named Inventor	Federico Garcea
Art Unit	2154
Examiner Name	Haresh N. Patel
Attorney Docket Number	MS154756.01/MSFTPI25US

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		D.C.A. BULTERMAN, et al., "Application-level Performance Prediction Tools for Network-Based Systems", IEEE Network, vol. 1, no.3, July 1987, p.6-12	
		CHUG-SING YANG, et al., "Efficient Content Placement and Management on Cluster-Based Web Servers", NOMS 2000. 2000 IEEE/IFIP Network Operations and Management Symposium 'The Networked Planet: Management Beyond 2000', 10-14 April 2000, p. 463-473.	
		C. KOPP, "Managing Cluster Computers", Dr. Dopp's Journal, vol. 25, no. 7, July 2000, p. 21-31	
		A. LEDECZI, et al., "Synthesis of Self-Adaptive Software", 2000 IEEE Aerospace Conference Proceedings. Vol. 4, 18-25 March 2000, p. 501-507.	
		A. LUSIANI, "Process to Process Communication Over Fastbus in the Data Acquisition System of the ALEPH TPC", IEEE Transactions on Nuclear Science, vol. 14, no. 1, pt. 1, February 1994, p. 138-141.	
		C. MAS, et al., "An Efficient Algorithm for Locating Soft and Hard Failures in WDM networks", IEEE Journal on Selected Areas in Communications, vol.18, no.10, October 2000, p. 1900-1911.	
		C. ROTH, et al., "PowerPC/sup TM/Performance Monitor Evolution", 1997 IEEE International Performance, Computing and Communications Conference, 5-7 February 1997, p. 331-336.	
		YEW-HUEY LIU, et al., "A Distributed Connection Manager Interface for Web Services on IBM SP Systems", Proceedings. 1996 International Conference on Parallel and Distributed Systems, 306 June 1996, p.2-9.	
		"Microsoft Windows Management Instrumentation Scripting", <a href="http://msdn.microsoft.com/library/backgrnd/html/wmiscript.htm">http://msdn.microsoft.com/library/backgrnd/html/wmiscript.htm</a> , April 1999, (18 pages).	

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.